



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (October 2017) (Implements RCW 34.05.310)

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WSR 24-04-066

Agency: Department of Health- Board of Osteopathic Medicine and Surgery

Subject of possible rule making: Osteopathic physicians and surgeons general provision for opioid prescribing and tapering rules. The Board of Osteopathic Medicine and Surgery (board) is considering amending WAC 246-853-661 Exclusions, WAC 246-853-730 Periodic review, and WAC 246-853-755 Tapering requirements, to modernize the language, add clarity, and align rules with the Washington Medical Commission (WMC).

Statutes authorizing the agency to adopt rules on this subject: RCW 18.57.005, 18.57.800, 18.130.050

Reasons why rules on this subject may be needed and what they might accomplish:

On November 3, 2022, the CDC released an update to their 2016 “Clinical Practice Guideline for Prescribing Opioids for Chronic Pain”, entitled “[CDC Clinical Practice Guideline for Prescribing Opioids for Pain](#)” (Guideline). The Guideline expands its scope to include opioid prescribing for all pain (with certain exemptions). As such, the Guideline more closely parallels the Washington State opioid prescribing rules developed in 2017-2018 and implemented in January of 2019, mandated by Engrossed Substitute House Bill (ESHB) 1427 (chapter 297, Laws of 2017), and covering all Washington State opioid prescriber groups – including all allopathic physicians and physician assistants overseen by the WMC. However, there are some differences.

The WMC contracted with Gregory Terman, MD, who is a former Pro Tempore Commissioner of the WMC as well as a Professor of Anesthesiology and Pain Medicine at the University of Washington in Seattle, to do a comprehensive comparison of the WMC’s opioid prescribing rules covering physicians (WAC 246-919-850 through 246-919-990) and physician assistants (WAC 246-918-800 through 246-918-835) to the Guideline. Dr. Terman was also asked to recommend changes to the WMC’s opioid prescribing rules based on the differences found between the WMC’s opioid prescribing rules and the Guideline. Dr. Terman provided the WMC with a report, titled “Comparing and Contrasting the 2022 CDC Opioid Prescribing Guideline and the 2019 Washington State Prescribing Rules” (Report). Based on the recommendations in the Report, the WMC voted to initiate rulemaking on the following items:

1. Exempting patients with Sickle Cell Disease.
2. State in rule that not all chronic pain patients need to be tapered off opioids.
3. Clearer rules regarding biological specimen testing.

As a result, WMC filed a CR101 under WSR 23-17-094 on August 16, 2023 to consider rule amendments to opioid prescribing rules for allopathic physicians based on recent updates to Center for Disease Control and Prevention (CDC) opioid prescribing recommendations. The board works to remain consistent with the WMC, as osteopathic physicians and allopathic physicians regularly provide care in the same settings. Maintaining consistency with the WMC makes rules easier to apply standards in the complex health care regulatory environment and for licensees to understand.

The board is considering rulemaking to work with interested parties and the public to possibly revise the following WACs to address those three items:

- WAC 246-853-661 Exclusions
- WAC 246-853-730 Periodic review
- WAC 246-853-755 Tapering requirements

Rules on this subject may be needed to allow patients with Sickle Cell Disease receive the care they need in an efficient manner, provide osteopathic physicians and surgeons more clarity on when and how to taper patients to whom they prescribe opioids for chronic pain, and will provide rules that address how to work with patients that have an aberrant biological specimen test.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: None


Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe) Collaborative rulemaking

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:

Name: Becky McElhiney	(If necessary) Name:
Address: PO Box 47852 Olympia, WA 98504-7852	Address:
Phone: 360-236-4766	Phone:
Fax: 360-236-2901	Fax:
TTY: 711	TTY:
Email: osteopathic@doh.wa.gov	Email:
Web site: https://doh.wa.gov/licenses-permits-andcertificates/professions-new-renew-or-update/osteopathicphysician-and-surgeon	Web site:
Other:	Other:

Additional comments: Interested parties can participate in the drafting of the proposed rules. The board will be conducting rules workshops with interested parties and subject matter experts. The board will use existing GovDelivery lists and other known contact information to inform interested parties of opportunities to provide input on proposed rule language. To find out more information about our rulemaking, visit www.doh.wa.gov. To subscribe to GovDelivery, please visit https://public.govdelivery.com/accounts/WADOH/subscriber/new?topic_id=WADOH_153 and select Osteopathic Board.

Date: 1/30/2024	Signature:
Name: James Chaney	
Title: Executive Director	